

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-2532**

---

LISA MURRAY,

Plaintiff - Appellant,

versus

SOL Z. ROSEN,

Defendant - Appellee.

---

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CA-03-476-A)

---

Submitted: June 21, 2004

Decided: July 28, 2004

---

Before LUTTIG and MICHAEL, Circuit Judges, and HAMILTON, Senior Circuit Judge.

---

Affirmed by unpublished per curiam opinion.

---

Lisa Murray, Appellant Pro Se. Sol Z. Rosen, Washington, D.C., for Appellee.

---

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Lisa Murray appeals the district court's order granting summary judgment to her former attorney in her malpractice action against him. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Murray v. Rosen, No. CA-03-476-A (E.D. Va. filed Nov. 25, 2003 & entered Nov. 26, 2003).

To the extent that Murray appeals the district court's order for the reasons as stated from the bench on November 14, 2003, the record does not contain a transcript of that hearing. An appellant has the burden of including in the record on appeal a transcript of all parts of the proceedings material to the issues raised on appeal. See Fed. R. App. P. 10(b); 4th Cir. R. 10(c). An appellant proceeding on appeal in forma pauperis is entitled to transcripts at government expense only in certain circumstances. 28 U.S.C. § 753(f) (2000). By failing to produce a transcript or to qualify for the production of a transcript at government expense, Murray has waived review of the issues on appeal that depend upon the transcript to show error. See Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992); Keller v. Prince George's County, 827 F.2d 952, 954 n.1 (4th Cir. 1987). As no error appears on the record before us and because Murray does not present a substantial question on appeal under 28 U.S.C. § 753(f), we find that she does not qualify for production of a transcript at government expense.

We deny Rosen's motion to strike Murray's informal brief and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED